

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HOWARD KIM,

Petitioner,

v.

NATHANIEL QUARTERMAN,

Respondent.

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CIVIL ACTION NO. H-07-1654

ORDER ON DISMISSAL

Petitioner, a state inmate proceeding *pro se*, filed this habeas petition challenging his 2000 state judgment of deferred adjudication and 2003 judgment adjudicating guilt for indecency with a child by sexual contact. On August 15, 2007, the Court ordered petitioner to show cause, by August 31, 2007, why the petition should not be dismissed as barred by the federal one-year statute of limitations. Petitioner was warned that his failure to comply timely with the order may result in the dismissal of this lawsuit without further notice for failure to prosecute.

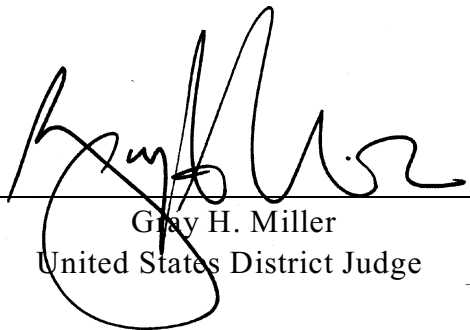
To-date, petitioner has failed to comply, or request additional time to comply, with the show cause order. Petitioner's failure to pursue this action and comply with the Court's order forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution and failure to comply with the Court's order is appropriate. *See* FED. R. CIV. P. 41(b); *Larson v. Scott*, 157 F.3d 1030 (5th Cir. 1998) (noting that a

district court may *sua sponte* dismiss an action for failure to prosecute or to comply with any court order).

Accordingly, this case is DISMISSED WITHOUT PREJUDICE for want of prosecution. Any and all pending motions are DENIED AS MOOT. A certificate of appealability is DENIED.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas on September 17, 2007.



Gray H. Miller
United States District Judge